

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
SAM BIRD, JUDGE

DIVISION I

CACR07-910

FEBRUARY 20, 2008

STEVE SIMPSON		APPEAL FROM THE CRITTENDEN
	APPELLANT	COUNTY CIRCUIT COURT
		[NO. CR-2006-549]
V.		HON. RALPH E. WILSON, JUDGE
STATE OF ARKANSAS		
	APPELLEE	AFFIRMED

Steve Simpson was convicted in a jury trial for possession of cocaine. He was sentenced to eight years in the Arkansas Department of Correction and was fined \$10,000. On appeal he challenges the sufficiency of the evidence to support his conviction. We hold that the evidence was sufficient to support the conviction, and we affirm.

In reviewing the sufficiency of the evidence, the appellate court views the evidence in the light most favorable to the State and will affirm the conviction if there is substantial evidence to support it. *Dodson v. State*, 341 Ark. 41, 14 S.W.3d 489 (2000). Substantial evidence is that which is of sufficient force and character that it will, with reasonable certainty, compel a conclusion one way or the other, without resort to speculation or conjecture. *Id.* The credibility of witnesses is an issue for the trier of fact, which is free to believe all or part

of any witness's testimony and may resolve questions of conflicting testimony and inconsistent evidence. *Harshaw v. State*, 348 Ark. 62, 71 S.W.3d 548 (2002).

The State's evidence included testimony by Jo Linda Donley and by Officer Randy Lancaster of the West Memphis Police Department regarding events that occurred in the Broadway Grocery Store's parking lot around 8:00 p.m. on May 9, 2006. Their testimony revealed that Donley, who had been drinking wine and smoking marijuana, was parked in front of the store when Simpson walked past her on his way to the side of the building. Lancaster was driving by in his personal vehicle and pulled into the parking lot when he observed Simpson urinating on the building. Lancaster, wearing full uniform and identifying himself as a policeman, walked toward Simpson and told him three times to stop. Simpson turned each time and looked directly at Lancaster but kept walking away until he reached Donley's car. The men were acquainted with each other from previous encounters.

Lancaster observed Simpson lean into Donley's car with his entire upper body and reach down the inside of the driver's door with his left arm. According to Donley, Simpson asked her to telephone his wife "because the police [were] stopping him." Simpson then stood up, turned around, and walked over to Lancaster. After detaining Simpson, Lancaster looked inside the car, where Donley was still sitting. Lancaster found a baggie of cocaine beside Donley's foot, on the left side of the driver's-side floorboard where Simpson had reached with his left arm. Donley at first told Lancaster that she did not know who the baggie belonged to, but when he told her that it could be construed that the cocaine was hers, she admitted that Simpson had dropped it.

Donley testified at trial that, three days after the incident, Simpson admitted to her that the drugs were his and apologized for dropping them inside her car. Simpson testified in his own defense. He denied dropping the cocaine and apologizing to Donley.

Simpson argues on appeal, as he did in his motions for a directed verdict, that the State did not show that the contraband was in his custody or that he exercised care, control, and management over it. He notes that no witness saw him in possession of the cocaine and that the baggie was found by Donley's foot. He points to conflicting testimony regarding the reason that he approached Donley's car, and he questions the credibility of her testimony.

We agree with the State that Simpson's admission to Donley that he possessed the drugs resolves his challenge to the sufficiency of the evidence. The conviction is affirmed.

Affirmed.

HART and MARSHALL, JJ., agree.